

Application No.: 10/540,526
Art Unit: 2622

Response under 37 CFR §1.116
Attorney Docket No.: 052723

REMARKS

Claims 1-5 and 7-9 are pending in the application and stand rejected. In light of the following remark, applicants earnestly solicit favorable reconsideration.

On the Merits

Claim Rejections - 35 U.S.C. § 102(b)

Claims 1-5, 7-8 and 14-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kanade et al. US 2003/0076413.

As the Examiner has issued the same office action as that of July 10, 2008, applicants respond to the Examiner remarks below.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 9-13 are rejected under 35 U.S.C § 103(a) as being unpatentable over Kanade et al. US 2003/0076413.

As the Examiner has issued the same office action as that of July 10, 2008, applicants respond to the Examiner remarks below.

Examiner's Response to Remarks:

The Examiner has considered applicants remarks presented on July 10, 2008, but finds them to be unpersuasive.

Regarding independent claim 1, applicants previously argued that *Kanade* does not disclose:

saving each of the pan/tilt or zoom commands and associating each of the positions of said cameras with each individual frame of each camera. *Kanade* does not disclose that video image data of a moving image is synchronized for each frame of the plurality of cameras with camera parameters for each frame of each of the cameras, as required by claim 1.

In response, the Examiner points to calibration database 36 that determines the pose (location and orientation) of each image capturing device 14. The Examiner also points to pan/tilt camera 42.

Applicants note the claim 1 recites cameras that are movable in three dimensions. As such, the camera bank 14, with non-moving cameras, should not be applicable. This leaves pan/tilt cameras 42, discussed in paragraph [0045].

As mentioned in the arguments presented in applicants' response dated July 10, 2008, *Kanade* does not disclose any associating of the pan/tilt/zoom information with the moving image data taken by the cameras.

The Examiner contends that this feature is disclosed in paragraphs [0035] and [0036]. However, these passages discuss storing data/parameters of *capturing device 14*. As mentioned earlier, capturing device 14 is a "non-moving camera."

The Examiner may mean to imply that camera parameters for *moving cameras 42* are stored in calibration database 36. However, this feature is not disclosed in *Kanade*. That is, *Kanade* does not mention or fairly suggest this feature. In the embodiment discussed in paragraphs [0035] and [0036], moving cameras 42 are not disclosed.

Moving cameras 42 are disclosed in paragraph [0045], “according to other embodiments.” The Examiner could contend that based on paragraphs [0035], [0036] and [0045], the claimed invention would be obvious, however, an obviousness type rejection would need to be issued. “Anticipation requires the presence in a single prior art disclosure of all the elements of a claimed invention arranged as in the claim.”¹

As such, applicants respectfully submit that the § 102 rejection of independent claim 1 is not appropriate.

Further, as claims 3 and 18 contain similar features to that discussed above in claim 1, the same arguments also apply to claims 3 and 18.

Regarding independent claim 17, the Examiner contends that moving cameras 42 disclose the camera(s) recited in the claim. However, claim 17 also recites:

finding correspondence between the focal position of the camera and the center position of the axis of rotation from the image....

The Examiner does not appear to address this feature. Further, applicants respectfully submit this feature is not disclosed or fairly suggested by *Kanade*. If the Examiner believes this feature is disclosed or suggested, applicants ask the Examiner to specifically point out where he believes this is done.

Regarding independent claim 9, applicants argued that *Kanade* does not disclose adding a “frame count” to video image data. The Examiner responds by stating that a “time stamp” discloses a frame count. The Examiner’s interpretation is very broad and, applicants submit it is not reasonable in light of the specification.

Claim 9 recites that said frame count is “sequential.” This feature does not appear to be disclosed by a time stamp. That is, unless the frames of the captured images moved at exactly the pace of the clock in the time stamp, the recorded time stamps would never be sequential.

It is applicants understanding that a typical time stamp would be accurate to every hundredth of a second. A typical video image capture system would capture, 32 frames per second. Thus, if a time stamp is attached to each frame, it would occur approximately every .03

¹ Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 1548 (Fed. Cir. 1983).

Application No.: 10/540,526
Art Unit: 2622

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seconds. Increments of every .03 seconds should not be considered a sequential frame count as recited in claim 9.

As such, applicants respectfully submit that the rejection of claim 9 is not proper.

Further, as claim 14 also contains a similar feature to that discussed above regarding claim 9, the same arguments with respect to claim 9 also apply to claim 14.

In view of the above, Applicants respectfully submit that their claimed invention is allowable and ask that the rejection under 35 U.S.C. § 102 and the rejection under 35 U.S.C. § 103 be reconsidered and withdrawn. Applicants respectfully submit that this case is in condition for allowance and allowance is respectfully solicited.

If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

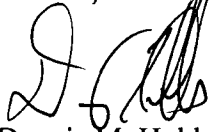
Application No.: 10/540,526
Art Unit: 2622

Response under 37 CFR §1.116
Attorney Docket No.: 052723

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read 'D. Hubbs', is written over the printed name.

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